

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

ENRIQUE CARDENAS,

Defendant.

8:07CR385

ORDER

This matter is before the court on the motion for an extension of time by defendant Enrique Cardenas (Cardenas) (Filing No. 16). Cardenas seeks an extension of time until January 7, 2008, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 11). Defense counsel represents to the court that counsel for the government has no objection to the extension. Cardenas has filed an affidavit wherein Cardenas consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 16). Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Cardenas's motion for an extension of time (Filing No. 16) is granted. Defendant Cardenas is given until **on or before January 7, 2008**, in which to file pretrial motions pursuant to the progression order (Filing No. 11). The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 27, 2007 and January 7, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of December, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge